

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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[www.montgomerycountymd.gov/content/council/boa/board.asp](http://www.montgomerycountymd.gov/content/council/boa/board.asp)

**CASE NO. S-2655**

**PETITION OF HECTOR T. AYU**

**OPINION OF THE BOARD**

(Opinion Adopted January 25, 2006)  
(Effective Date of Opinion: February 10, 2006)

Case No. S-2655 is an application for a special exception, pursuant to Section 59-G-2.48 of the Montgomery County Code, to permit a retail establishment (a drug store) in an existing office building, including **1)** Hours of operation Monday through Friday 9 am to 7 pm; Saturday, 9 am to 2 pm; **2)** Five employees; **3)** Equipment consisting of refrigerator, pill counting/sorting machines and traditional office equipment.

The subject property is Lot P2, Block 1, Griffith Addition Woodside Subdivision, located at 1111 Spring Street, Suite N. 110, Silver Spring, Maryland, 20910, in the C-O Zone located at 1111 Spring Street, Silver Spring, Maryland.

The Hearing Examiner for Montgomery County held a hearing on the application on December 20, 2005, and on January 4, 2006, issued a Report and Recommendation for approval of the special exception.

Decision of the Board:                      Special Exception **Granted** Subject  
To Conditions Enumerated Below.

The Board of Appeals considered the Report and Recommendation at its Worksession on January 25, 2006. After careful consideration and review of the record in the case, the Board adopts the Report and Recommendation and grants the special exception, subject to the following conditions:

1. Petitioner shall be bound by all of his testimony and exhibits of record, and by the testimony of his witnesses and representations of counsel identified in this report.

2. Petitioner's pharmacy floor space is limited to a maximum of 1525 square feet.
3. Petitioner's office hours are limited to 9 a.m. to 7 p.m., Monday through Friday, and 9 a.m. to 2 p.m. on Saturday; however employees may arrive at 8:00 a.m. each day.
4. Petitioner may not have more than five employees operating in the pharmacy at one time, including the pharmacist and up to four technician/cashiers.
5. Petitioner shall participate in the Silver Spring Parking Lot District Program and pay the *ad valorem* tax in lieu of satisfying the number of required off-street parking spaces (eight) that are not on the site.
6. Petitioner may erect a single, illuminated, wall sign identifying the entrance to his pharmacy; however, the sign may be no larger than permitted by the Zoning Ordinance (as determined by the Department of Permitting Services), and Petitioner must first supply the Board with a copy of his sign permit before posting the sign.
7. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

On a motion by Wendell M. Holloway, seconded by Angelo M. Caputo, with Caryn L. Hines and Allison Ishihara Fultz, Chair in agreement and Donna L. Barron necessarily absent:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

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Allison Ishihara Fultz  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 10<sup>th</sup> day of February, 2006.

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Katherine Freeman  
Executive Director

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.